

REMARKS

Claim Amendments

Applicants have amended claims 24, 25, 27, 31, 38, 41, and 44. Specifically, Applicants have incorporated the features of claim 26 into independent claim 24, and accordingly, canceled claim 26 without prejudice or disclaimer of its subject matter. Applicants have also incorporated the features of claims 39 and 40 into independent claim 38, and accordingly, canceled claims 39 and 40 without prejudice or disclaimer of their subject matter. Support for the amendments to independent claims 41 and 44 can be found in the specification at, for example, p. 11, line 25 to p. 12, line 6. No new matter has been introduced. Upon entry of this Amendment, claims 24, 25, 27-38, and 41-46 remain pending and under examination.

Office Action

Applicants respectfully traverse the rejection and objection made in the Office Action, wherein the Examiner took the following actions:

- (a) rejected claims 24, 25, 29, 35-39, 41-44, and 46 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,185,316 ("Buffam") in view of U.S. Patent App. Pub. No. 2004/0250084 ("Hamid");
- (b) allowed claim 45; and
- (c) objected to claims 26-28, 30-34, and 40 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication that claim 45 is allowed, and claims 26-28, 30-34, and 40 contain allowable subject matter. Applicants have incorporated the allowable features of claim 26 into independent claim 24, and accordingly, canceled claim 26 without prejudice or disclaimer of its subject matter. Applicants have also

incorporated the allowable features of claim 40 into independent claim 38, and accordingly, canceled claim 40 without prejudice or disclaimer of its subject matter.

Rejection of Claims 24, 25, 29, 35-39, 41-44, and 46 under 35 U.S.C. § 103(a)

The rejection of claim 39 has been rendered moot by virtue of its cancellation.

Applicants respectfully request reconsideration and withdrawal of the rejection of claims 24, 25, 29, 35-38, 41-44, and 46 under 35 U.S.C. § 103(a).

With respect to independent claim 24, Applicants have incorporated the allowable features of claim 26 into claim 24. Therefore, amended claim 24 should be allowable over the cited references. Dependent claims 25, 29, 35-37, and 46 should also be allowable at least by virtue of their dependence from claim 24.

With respect to independent claim 38, Applicants have incorporated the allowable features of claim 40 into claim 38. Therefore, amended claim 38 should be allowable over the cited references.

With respect to independent claim 41, Buffam and Hamid, whether taken alone or in combination, do not teach or suggest the claimed “portable data carrier.” The claimed “portable data carrier” includes the following combination of features:

a microprocessor comprising a memory for storing a first reference biometric template portion divided from a reference biometric template received from said user to be authenticated, said first reference biometric template portion being signed and enciphered,

said portable data carrier being adapted to receive as input, from said user authentication architecture, a second reference biometric template portion divided from said reference biometric template and a live template associated with said user, said second reference biometric template portion and said live template being signed and enciphered, said microprocessor further comprising:

a processing logic for deciphering said first and second reference biometric template portions and for recomposing said

reference biometric template from deciphered first and second
reference biometric template portions; and

a comparing logic for comparing said reference biometric
template recomposed with said live template and sending a result
of said comparison to said user authentication architecture.

The Office Action did not specifically allege which device of Buffam would theoretically correspond to the claimed “portable data carrier.” *See* Office Action, pp. 2-3. Applicants assume, for the sake of argument, that the Office Action might have intended to equate Buffam’s user credential 605 with the claimed “portable data carrier.” Buffam discloses, at col. 20, line 66 to col. 21, line 2, that in the key recovery process, “[c]laimant 612 presents credential 605 to credential sensor 615 contemporaneously with providing a live fingerprint scan from fingerprint sensor 614. Transient template 620 is then extracted from credential 605.” Buffam, however, does not teach or suggest that the user credential 605 “stor[es] a first reference biometric template portion divided from a reference biometric template received from said user to be authenticated,” “receive[s] as input, from said user authentication architecture, a second reference biometric template portion divided from said reference biometric template . . .,” “decipher[s] said first and second reference biometric template portions and [recomposes] said reference biometric template from deciphered first and second reference biometric template portions,” and “compar[es] said reference biometric template recomposed with said live template,” as recited in amended claim 41 (emphases added). Therefore, Buffam’s user credential 605 does not constitute the claimed “portable data carrier.”

The Office Action also did not specifically allege which device of Hamid would theoretically correspond to the claimed “portable data carrier.” *See* Office Action, pp. 2-3. Applicants assume, for the sake of argument, that the Examiner might have intended to equate Hamid’s “security token 90” with the claimed “portable data carrier.” Hamid discloses that the

security token 90 “includes an enrollment biometric template 205 operatively stored in token memory.” Hamid, ¶ [0071]. Although Hamid discloses receiving a biometric sample 310 from a live entity 305 and dividing the transformed biometric sample into a plurality of transformed sample parts 310” (*see id.*, ¶ [0078]), the dividing is performed on the live biometric sample, rather than on the enrollment biometric template 205, which is a reference biometric template the live biometric sample is compared to. Therefore, Hamid does not teach or suggest “storing a first reference biometric template portion divided from a reference biometric template received from said user to be authenticated . . .,” as recited in amended claim 41 (emphasis added). Furthermore, Hamid does not teach or suggest that “said portable data carrier [is] adapted to receive as input, from said user authentication architecture, a second reference biometric template portion divided from said reference biometric template . . .,” as recited in amended claim 41 (emphasis added). Moreover, Hamid does not teach or suggest “recomposing said reference biometric template from deciphered first and second reference biometric template portions,” as recited in amended claim 41 (emphasis added). Therefore, Hamid’s security token 90 does not constitute the claimed “portable data carrier.”

Therefore, Hamid does not cure the deficiencies of Buffam. Accordingly, Buffam and Hamid, whether taken alone or in combination, do not teach or suggest each and every feature of amended claim 41. Claim 41 should therefore be allowable over the cited references. Dependent claims 42 and 43 should also be allowable over the cited references at least by virtue of their dependence from base claim 41, and because they recite additional features not taught or suggested by the cited references.

With regard to independent claim 44, Buffam and Hamid do not teach or suggest the combination of the claimed “portable data carrier” and “electronic device.” According to claim

44, the claimed portable data carrier is “adapted to store a first reference biometric template portion divided from a reference biometric template received from the user to be authenticated” (emphasis added). The claimed “electronic device” is “adapted to store a second reference biometric template portion divided from said reference biometric template, complementary to said first reference biometric template portion,” and to “transmit said second reference biometric template portion and said live template to said portable data carrier, and authenticate said user depending on a result of a comparison performed by said data carrier between said live template and said reference biometric template, said reference biometric template being rebuilt by using said first and second reference biometric template portions” (emphases added). For reasons similar to those discussed above in connection with claim 41, Buffam’s user credential 605 does not constitute the claimed “portable data carrier,” and Hamid’s security token 90 also does not constitute the claimed “portable data carrier.” Moreover, for reasons similar to those discussed above in connection with claim 41, Baffam and Hamid do not teach or suggest the claimed “electronic device” that includes the claimed features.

Therefore, Buffam and Hamid, whether taken alone or in combination, do not teach or suggest each and every feature of amended claim 44. Accordingly, claim 44 should therefore be allowable over the cited references.

Applicants therefore respectfully request withdrawal of the rejection.

Conclusion

Applicants request reconsideration and withdrawal of the rejection and objection. The pending claims are in condition for allowance, and Applicants request a favorable action.

The Office Action contains a number of statements reflecting characterizations of the cited references and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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